

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Part 90 of the)	WP Docket No. 07-100
Commission's Rules)	
)	

To: The Commission

**REPLY COMMENTS OF THE
ALARM INDUSTRY COMMUNICATIONS COMMITTEE**

The Alarm Industry Communications Committee ("AICC"), on behalf of its members, hereby submits the following reply comments on the *Sixth Further Notice of Proposed Rulemaking*¹ ("FNPRM"), released March 23, 2018 in the above-captioned proceeding. As detailed below, AICC believes the expansion of eligibility to use the 4.9 GHz bands, for a limited number of entities that provide safety-related services, can be accomplished without compromising public safety use of this spectrum. This approach would achieve expanded use of the spectrum by activities consistent with its public safety purpose, while mitigating concerns of congestion. To help allay concerns raised by the public safety community, AICC proposes several possible safeguards for private sector use of the 4.9 GHz band (including alarm operations), to be considered by the Commission as it deems appropriate.

¹ *In the Matter of Amendment of Part 90 of the Commission's Rules, Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, Service Rules for the 698-746, 747-762, and 777-792 MHz Bands*, Sixth Further Notice of Proposed Rulemaking, WP Docket No. 07-100, FCC 18-33, released March 23, 2018.

I. Limited Access to 4.9 GHz by Safety-Related Operations Would Serve the Public Interest

In response to the FNPRM's inquiry about expanding eligibility to use the 4.9 GHz band, AICC supported a limited expansion of eligibility, for Critical Infrastructure Industries (CII), central station alarm operations, and perhaps certain other activities that primarily use spectrum for safety related communications. AICC Comments at pp. 4-5. AICC opposed widespread commercial use of the band, at least until the impact of use by CII and other safety related operations could be assessed so as to safeguard public safety utilization. The public safety community was united in opposing any expansion of eligibility to use the 4.9 GHz band, except for CII operations, which the National Public Safety Telecommunications Council (NPSTC) recommended at the early stages of this proceeding be allowed access to the band. See Comments of the Public Safety Communications Council at pp. 8-9; Comments of AASHTO at p. 3; Comments of APCO at p. 14; NPSTC Comments at p. 23; and Comments of the National Regional Planning Council at p. 4. As part of this opposition to expansion of eligibility for use of the band, some commenters expressly opposed the proposal of AICC to allow alarm service providers to access the 4.9 GHz band. See, e.g., Comments of the Public Safety Communications Council at p. 8; Comments of AASHTO at p. 3.

AICC notes that the public safety community has made a substantial showing that usage of the 4.9 GHz band for public safety operations is much more extensive than what is revealed by a simple look at the number of licensees. See Comments of NPSTC at pp 5-8; Comments of APCO at p. 13; Comments of the Public Safety Communications Council at p. 3. The Council points out that 4.9 GHz has been licensed on a state-wide basis in several jurisdictions, which then coordinate use by state agencies and governmental entities, as a way to more effectively

guard against interference among users. AICC agrees that the Commission should give due weight to this showing in deciding what path to take with regard to this spectrum. As indicated in its Comments (at p. 7), AICC also agrees that the 4.9 GHz band should not be re-designated for widespread commercial use at this time. AICC further believes that use of the 4.9 GHz band by non-public safety agencies should be limited to communications related to the protection of life and property. It is respectfully submitted that alarm industry use of the band would fall squarely within that category. AICC member companies protect a wide range of sensitive facilities and their occupants from fire, burglaries, sabotage and other emergencies. Protected facilities include government offices, power plants, hospitals, dam and water authorities, pharmaceutical plants, chemical plants, banks, schools and universities. In addition to these commercial and governmental applications, alarm companies protect a large and ever increasing number of residences and their occupants from fire, intruders, and carbon monoxide poisoning. Alarm companies also provide medical alert services in the event of medical emergencies.

In this regard, APCO correctly notes the merits for expanding eligibility to CII at page 13 of its comments: “CII entities such as railroads and utilities may work alongside Public Safety agencies as part of an emergency response.” While railroads and utilities may work alongside public safety from time to time during emergencies, the alarm industry always works alongside public safety, since every matter reported from the central station to a Public Safety Answering Point (PSAP) is a potential emergency, with many blossoming into an actual emergency requiring the dispatch of first responders. Addressing such emergencies is not an incidental aspect of alarm radio operations, but is rather the primary purpose of such communications.

AICC is sensitive to the concerns expressed by the public safety community, and desires that any central station use of the 4.9 GHz band be a tool to make alarm detection and reporting more accurate and valuable to first responders. In order to further ensure that alarm industry use of the 4.9 GHz band avoids any interference with public safety use of the band, AICC supports the following limitations on safety-related private sector use of the band, to the extent that the Commission concludes these limitations are necessary or appropriate:

- Frequency coordination would be performed by public safety coordinators.
- Licensed use of the band (as opposed to low power unlicensed access).
- Use of 4.9 GHz only for communications related to the protection of life, safety, and property, as opposed to general business purposes.
- Secondary status that is preemptible by public safety agencies. AICC notes that protocols should be established to minimize the impact of such preemption, since there will be many alarms that still need to be passed along during a time of emergency. Such alarms may be very important to identifying and dealing with the emergency, and first responders may wish to access such information.
- Private sector use of just a portion of the 4.9 GHz Public Safety band at first, consistent with the approach advocated by the CII industries for their members.

With the establishment of such restrictions as the Commission sees fit, it is respectfully submitted that alarm industry use of the 4.9 GHz band would be consistent with the plan

developed by the NPSTC Report that originally advocated for CII access. The final NPSTC report contemplates access to 4.9 GHz by for profit entities such as private ambulance services “providing private internal radio services provided these private internal radio services are used to protect safety of life, health, or property; and are not made commercially available to the public.”² Alarm radios are used to provide private internal communications to protect life, health and property, as described above, and are not used for commercial radio services. In addition, alarm industry use would fit squarely into the alternative definition of eligible entities discussed in the NPSTC report:

“Application for and use of the 4.9 GHz band shall be made available to CII and those entities whose use of the spectrum shall directly benefit public safety or activities that enhance the ability to protect property, the environment, and the American public, which shall include the safety and security of the American workforce.”³

Alarm operations directly benefit public safety and are designed solely to protect property, the environment and the American public, by alerting PSAPs to emergency situations, and by detecting threats to life and property such as fires, home invasions, medical alerts and excessive carbon dioxide levels.

The proposed limited expansion of eligibility for 4.9 GHz would be consistent with Federal efforts to have safety-related entities participate in FirstNet on a limited basis, as a way to foster beneficial interoperability and to create a source of additional revenue for FirstNet. If safety-related service providers can operate on the same spectrum as first responders, including

² 4.9 GHz National Plan Recommendations, Final Report, filed by NPSTC October 24, 2013 (“NPSTC Report”), at p. 10.

³NPSTC Report at n. 14 [Emphasis added].

the 700 MHz and the 4.9 GHz band, it can improve their ability to send all types of emergency communications, data and video to the public safety broadband network. Opening the spectrum to additional uses will also encourage a more robust market for equipment and greater innovation, which should translate to greater equipment availability at lower cost.

II. Conclusion

In light of the forgoing, AICC urges the Commission to expand access to the 4.9 GHz band to private sector entities engaged in safety-related activities such as alarm service providers and alarm monitoring services, consistent with FirstNet's vision for participation by private sector entities in the public safety broadband network.

Respectfully submitted,

**THE ALARM INDUSTRY
COMMUNICATIONS COMMITTEE**

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